

# **ZONING REGULATIONS**

**GRIGGS COUNTY, NORTH DAKOTA**

**Adopted November 2005**

**Revised June 2007**

# **ZONING REGULATIONS**

## **Griggs County, North Dakota**

<b>1. INTRODUCTION.....</b>	<b>3-4</b>
1.1 TITLE .....	3
1.2 AUTHORITY.....	3
1.3 PURPOSE .....	3
1.4 INTENT .....	3
1.5 JURISDICTION .....	4
1.6 INTERPRETATION .....	4
1.7 SEVERABILITY .....	4
1.8 EXCEPTIONS.....	4
1.9 REPEAL .....	4
1.10 EFFECTIVE DATE.....	4
<b>2. RULES AND DEFINITIONS .....</b>	<b>4-13</b>
2.1 COMPLIANCE .....	4
2.2 WORD USE.....	4
2.3 DEFINITIONS .....	5-13
<b>3. GENERAL PROVISIONS .....</b>	<b>13-14</b>
3.1 COMPREHENSIVE PLAN.....	13
3.2 NON-CONFORMING USES .....	14
3.3 LAND SUITABILITY .....	14
3.4 CONDITIONAL USES .....	14
3.5 DEDICATION OF LAND FOR STREETS.....	14
3.6 RESIDENTIAL DEVELOPMENT.....	14
3.7 ON SITE SEWER SYSTEM.....	14
<b>4. ZONING DISTRICT BOUNDARIES AND MAP.....</b>	<b>15-16</b>
4.1 ZONING DISTRICTS.....	15
4.2 ZONING DISTRICT MAP .....	15-16
<b>5. ZONING DISTRICT REGULATIONS.....</b>	<b>17-27</b>
5.1 AGRICULTURAL DISTRICT.....	17-19
5.2 RECREATIONAL DISTRICT .....	20-21
5.2 F-1 FLOOD PLAIN DISTRICT .....	21-23
5.4 AGRICULTURAL SERVICE CENTERS.....	23-27
<b>6. SPECIAL PROVISIONS .....</b>	<b>28-48</b>
6.1 OFF-STREET PARKING.....	28
6.2 SIGNS .....	28-29
6.3 JUNK OR SALVAGE YARDS.....	29-30
6.4 COMMERCIAL FEED LOTS .....	30
6.5 MINING OF SAND, GRAVEL, CLAY AND GENERAL GROUND EXCAVATION .....	31
6.6 WELLHEAD PROTECTION .....	32
6.7 SANITARY LANDFILLS AND SOLID WASTE SITES .....	32-44
6.8 GARDEN SHEDS.....	44
6.9 PUBLIC NUISANCES.....	44
6.10 NOISE.....	44
6.11 RECREATIONAL VEHICLES AND TRAVEL TRAILERS .....	44
6.12 ANIMAL UNITS ON SINGLE FAMILY NON-FARM RESIDENTIAL AND RECREATIONAL DISTRICTS.....	44-45
6.13 TREES AND TREE PLANTINGS:.....	45
6.14 FENCES .....	46
6.15 HOME OCCUPATIONS, STANDARDS FOR APPROVAL.....	46-47
6.16 MOBILE HOME PARKS, WHERE PUBLIC SEWER IS AVAILABLE .....	47
6.17 ADULT ENTERTAINMENT CENTER.....	47-48

6.18 UTILITIES .....	48
<b>7. ADMINISTRATION AND ENFORCEMENT .....</b>	<b>49-52</b>
7.1 ORGANIZATION .....	49
7.2 ZONING ADMINISTRATOR .....	49-51
7.3 PLANNING COMMISSION .....	51-52
7.4 COUNTY COMMISSION .....	52
<b>8. PROCEDURES FOR AMENDMENTS, CONDITIONAL USES, VARIANCES AND PLATS OF SUBDIVISION .....</b>	<b>53-57</b>
8.1 ZONING DISTRICT AMENDMENTS.....	53
8.2 CONDITIONAL USE PERMITS .....	54-55
8.3 VARIANCES .....	55-57
8.4 PLAT APPROVAL .....	57
<b>9. VIOLATIONS AND ENFORCEMENT.....</b>	<b>57</b>
<b>10. ENACTMENT .....</b>	<b>57</b>

# **ZONING REGULATIONS**

## **1. INTRODUCTION**

### **1.1 Title**

This chapter shall be known as the “Zoning Regulations” for the County of Griggs, North Dakota.

### **1.2 Authority**

These regulations are adopted under the authority of Chapter 11-33 and 11-33.2 of the North Dakota Century Code.

### **1.3 Purpose**

These regulations are adopted to promote the health, safety, morals, public convenience and general prosperity and public welfare of the County of Griggs.

### **1.4 Intent**

It is the intent of these regulations to implement the plans and policies of the County of Griggs for the use and enjoyment of land resources.

- 1.4.1** To promote orderly development of the county and to prevent conflict among land uses and structures.
- 1.4.2** To secure safety from fire, panic, noxious fumes, and other dangers.
- 1.4.3** To facilitate adequate provisions for water, sewer, transportation and other customary services to its county unincorporated communities.
- 1.4.4** To regulate the use and division of land within the county and unincorporated territorial jurisdiction.
- 1.4.5** To regulate the proper arrangement of streets, alleys and roads for convenient and efficient access to the adjoining properties.
- 1.4.6** To protect the value of land and buildings and maintain harmony and consistency among land uses.
- 1.4.7** To protect the existing properties against nuisances that interfere with the use and enjoyment of property, endanger personal health or safety or is offensive to the senses.

## **1.5 Jurisdiction**

These regulations shall apply to all lands within the County of Griggs, North Dakota and territorial planning areas of unincorporated communities, except land within city limits and the extra-jurisdictional territory of the county's cities.

## **1.6 Interpretation**

These regulations shall be held to be the minimum requirements. Whenever these requirements are at variance with other requirements, rules, regulations, deed restrictions or covenants, the most restrictive shall govern, unless otherwise specifically stated. The county may, from time to time, amend, supplement or repeal any part of this ordinance upon like proceedings as in the case of the adoption of a resolution.

## **1.7 Severability**

If any part of these regulations is found invalid by a court of competent jurisdictions, the remainder of these regulations shall not be affected.

## **1.8 Exceptions**

These regulations shall not apply to the land and buildings for agricultural uses, as herein defined, except for set backs from roads, new septic system permits and inspections, and flood plain regulations.

## **1.9 Repeal**

The existing County ordinance together with any amendment thereto is hereby repealed.

## **1.10 Effective Date**

This ordinance shall be effective upon adoption by the County Commission of the County of Griggs, as provided by the North Dakota Century Code.

# **2. RULES AND DEFINITIONS**

## **2.1 Compliance**

No structure, land and building shall be hereafter used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a building permit, and the same shall be in compliance with this ordinance.

## **2.2 Word Use**

In the construction of this ordinance, the following words, rules, definitions shall be observed and applied except when the context clearly indicates otherwise.

**2.2.1** Words used in present tense shall include the future.

**2.2.2** Words used in singular number shall include the plural number and the plural the singular.

- 2.2.3 Shall is a mandatory word and not discretionary.
- 2.2.4 May is a permissive word.
- 2.2.5 The word “lot” shall also mean “parcel”, “piece” and “plat”.
- 2.2.6 The word “building” includes all structures and “structure” includes buildings.

## 2.3 Definitions

- 2.3.1 **“Accessory Building and Uses”** means a subordinate building or portion of the main building the use of which is clearly incidental to and serves exclusively to the principal building or principal use and shall be located on the same zoning lot.
- 2.3.2 **“Adult Bookstore”** means an enclosed building having as a substantial or significant portion of its stock in trade, books, magazines, or other periodicals that are distinguished or characterized by their emphasis on matter depicting or describing sexual activities or anatomic areas, such as genitals, breasts, or buttocks.
- 2.3.3 **“Adult Cinema”** means an enclosed building used on a regular basis for presenting pictorial materials or other visual images by way of direct or indirect projection, which materials are distinguished or characterized by an emphasis on the depiction of sexual activities or specified anatomical areas, such as genitals, breasts, or buttocks, for observation by patrons therein return for the payment of consideration, irrespective of the number of patrons who may be able to view the presentation at one time.
- 2.3.4 **“Adult Entertainment Facility”** means an enclosed building wherein an admission is charged for entrance, or food or nonalcoholic beverages are sold or intended for consumption, and wherein may be observed live presentation of entertainment distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, such as genitals, breasts, or buttocks.
- 2.3.5 **“Adult Entertainment Center”** means an adult bookstore, adult cinema, adult entertainment facility or any combination thereof.
- 2.3.6 **“Agriculture”** means the process of producing food and fiber customary to the family farming operation with a minimum of forty (40) acres in area, excluding commercial feed lots, processing and manufacturing of the farm-based products.
- 2.3.7 **“Alley”** means a minor street providing access to the back or side of two or more parcels or lots.

- 2.3.8 “Allowed Uses”** means those uses, buildings or structures which comply with the provisions of specific zoning districts because of the similarities in nature and relationship to each other. Allowed uses are distinct from conditional uses in that they are authorized only if certain requirements of this ordinance are met after a public hearing and approval by the County Commission.
- 2.3.9 “Animal Hospital or Kennel”** means a building or premises set up for treatment and boarding of domestic animals including veterinary facilities.
- 2.3.10 “Animal Unit Equivalent”** means a unitless number developed from the nutrient and volume characteristics of manure for a specific livestock type. The term animal units is used to normalize the number of animals (e.g. head) for each specific livestock type which produce comparable bulk quantities of manure.
- 2.3.11 “Basement”** means a story, partly underground with more than one-half of its height below grade.
- 2.3.12 “Building”** means any structure designed or intended for shelter, housing, business, office, and accommodation of persons, animals, chattels or property.
- 2.3.13 “Building Area”** means that portion of the zoning lot that can be occupied by the principal use, excluding the front, rear and side yards.
- 2.3.14 “Building Height”** means vertical distance from the grade to the highest point of the roof.
- 2.3.15 “Building Line”** means a line establishing the minimum distance that structures may be placed from the lot lines or street right-of-way. For the purposes of this ordinance the building line is the same as setback line.
- 2.3.16 “Building, Principal”** means a building, the principal use of which is single family and multi-family dwellings, and offices, shops, stores and other uses.
- 2.3.17 “Channel”** means a natural or man-made watercourse for conducting the flowing water.
- 2.3.18 “County”, “County Commission”** means the governing body of the County of Griggs.
- 2.3.19 “Club or Lodge”** means a private club or lodge which is a nonprofit association of persons for the purpose of gatherings and entertaining members including consumption of food and beverages.
- 2.3.20 “Comprehensive Plan”** means a guide for management of the physical resources and development of the county.

- 2.3.21 “Conditional Use”** means use of a special nature not automatically permitted in a zoning district and which requires review and approval of the County Commission after a public hearing. It is a use which would not be appropriate in a particular zoning district, but which if controlled as to the number, location, or relation to the surrounding uses and the area, would be consistent with the purpose and intent of these regulations. A conditional use is permitted in a district specifically permitting it, subject to the approval of the County Commission and only when the commission finds that such use meets all of the requirements applicable to it as specified in the county codes including these regulations.
- 2.3.22 “Conforming Building or Structure”** means a building or structure which complies with all requirements of this ordinance and other regulations adopted by the county.
- 2.3.23 “Developer”** means the owner, or agent of the land interest to be subdivided.
- 2.3.24 “Development”** means any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings, structures or accessory structures, the construction of additions or alterations to buildings or structures, ditching, lagooning, dredging, filling, grading, paving, excavation and drilling operations.
- 2.3.25 “Development Plan”** means a document including maps and data for physical development of an area as provided by this ordinance.
- 2.3.26 “District Zoning”** means a section or sections of Griggs County for which regulations governing the use of building and premises, the building heights, size of yards, lot area, lot width and the use are uniform.
- 2.3.27 “Dwelling”** means any building or portion thereof, used exclusively for human habitation including single family and multiple family units but not including hotels or motels, or vehicles designed for camping and other temporary occupancy such as vacation vehicles.
- 2.3.28 “Dwelling, Multiple Family”** means a single building or portion thereof, containing two (2) or more dwelling units.
- 2.3.29 “Dwelling, Single Family”** means a building containing one dwelling unit only.
- 2.3.30 “Easement”** means a right to the use of land for specific purpose, such right being held by someone other than the owner who holds the title to the land.
- 2.3.31 “Encroachment”** means any fill, building, structure or use including accessory uses projecting into the required yard areas or public and private property.
- 2.3.32 “Establishment”** means a place of business for processing, production, assembly, sales, service of goods and materials.



- 2.3.33 “Extra Territorial Area”** means areas surrounding the cities in Griggs County within designated miles of the city corporate limits in all directions, where the city has zoning and platting control under the provisions of the North Dakota Century Code.
- 2.3.34 “Farming or Ranching”** means cultivating land for production of agricultural crops or livestock, or raising, feeding, or producing livestock, poultry, milk, or fruit. The term does not include producing timber or forest products, nor does the term include a contract whereby a processor or distributor of farm products or supplies provides grain, harvesting, or other farm services.
- 2.3.35 “A Feed Lot”** is a parcel of land which contains an operation for feeding or raising animals.
- 2.3.36 “A Commercial Feed Lot”** means a parcel of land which contains an operation for feeding or raising of one thousand (1,000) or more animal units.
- 2.3.37 “A Winter Feed Lot”** means a parcel of land where animals are sheltered incidental to farming.
- 2.3.38 “Final Plat”** means the map, plan, or record of a subdivision and any accompanying material prepared in conformance with this ordinance.
- 2.3.39 “Frontage”** means the front part of a lot abutting a public right-of-way, or road or highway.
- 2.3.40 “Commercial Gravel Pit”** means any mining and extraction of earth materials for commercial or private sale.
- 2.3.41 “Private Gravel Pit”** means for private use, incidental to farming, which is not for sale, the mining and extraction of earth materials.
- 2.3.42 “Grade”** means the land elevation at the horizontal intersection of the ground and the building.
- 2.3.43 “Home Occupation”** means any occupation which: (a) carried on in a dwelling unit by members of the family; (b) is clearly secondary to the use of residential dwelling units and (c) does not create excessive noise, traffic or conflict with adjoining uses.
- 2.3.44 “Hotel or Motel”** means a building with lodging accommodations, either with or without meals which are provided for compensation.
- 2.3.45 “Improvements”** means street grading, surfacing, installations of sidewalks, curb, gutter, water, sanitary and storm sewer systems, culverts, bridges, trees as may be required by the county.

- 2.3.46 “Industrial Waste”** means all waste resulting from an industrial, manufacturing, service, or commercial activity that is managed as a separate waste stream and as defined by N.D.C.C. 23-29-03.
- 2.3.47 “Inert Waste”** means non-putrescent solid waste which will not generally contaminate water or form a contaminated leachate, inert waste does not serve as food for vectors. Inert waste includes, but is not limited to construction and demolition material, such as metal, wood, brick, masonry and concrete, asphalt concrete, tires and tree branches.
- 2.3.48 “Junk or Salvage Yard”** means an open area where waste or scrap material, including parts of used motor vehicles, appliances and farm implements are bought, sold, exchanged, stored, baled, parked, disassembled or handled.
- 2.3.49 “Kennel, Animal”** means any premises where dogs, cats and other household pets are boarded, bred and maintained for compensation.
- 2.3.50 “Landfill”** means especially selected, designed, and operated sites for disposal of solid waste in accordance with N.D.C.C. 23-29-03 and the provisions of this ordinance.
- 2.3.51 “Lot”** means a piece, parcel, lot or area of land established by survey, plat or deed, that meets the yard requirements and fronts on a street.
- 2.3.52 “Lot, Corner”** means a lot abutting two (2) public streets at their intersection.
- 2.3.53 “Lot Coverage”** means the total surface area of a lot which is covered by any type of structure.
- 2.3.54 “Lot Depth”** means the average horizontal distance between the front lot line and the rear lot line.
- 2.3.55 “Lot Lines”** means the property lines bounding the lot.
- 2.3.56 “Lot of Record”** means a lot, which is a part of a subdivision or parcel of land which has been recorded in the office of Griggs County Recorder.
- 2.3.57 “Lot Width”** means the horizontal distance between the side lot lines of a lot measured at the front building setback line.
- 2.3.58 “Lot, Zoning”** means a single lot, parcel, or tract of land within a zoning district developed or to be developed.
- 2.3.59 “Major Plat”** means a plat of subdivision containing five (5) or more lots.
- 2.3.60 “Major Appliance”** means an air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, stove, furnace, water heater, humidifier, dehumidifier, garbage disposal, trash compactor, computer, or other similar appliance.

- 2.3.61 “Manufactured Home”** means a factory built dwelling unit, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site and which does not have permanently attached to its body or frame any wheel or axles and bears a label certifying that it was built in compliance with the latest standards adopted by the U.S. Department of Housing and Urban Development.
- 2.3.62 “Minor Plat”** means a plat of subdivision containing less than five (5) lots.
- 2.3.63 “Mobile Home”** or pre-manufactured homes, means a factory built structure, transportable in one or more sections and has at least seven hundred twenty (720) or more square feet and is designed as a year-round dwelling unit to be placed on a secure or permanent foundation or a basement. The mobile home must comply with the latest Manufactured Home Safety Construction and Safety Standards adopted by the U.S. Department of Housing and Urban Development. A recreational travel trailer is not a mobile home.
- 2.3.64 “Mobile Home Park”** means a parcel of land for which a detailed plan indicating the location of lots, block, streets, facilities and utilities subject to the requirements of this ordinance is approved by the County Commission.
- 2.3.65 “Municipal”** means City, County or Township.
- 2.3.66 “Municipal Waste”** means solid waste that includes garbage, refuse, and trash generated by households, motels, hotels, and recreation facilities, by public and private facilities, and by commercial wholesale and retail businesses, excluding special waste.
- 2.3.67 “Nonconforming Building”** means any building or structure, which does not conform with any or all of this ordinance but existed at the time of adoption of the ordinance.
- 2.3.68 “Nonconforming Use”** means any principal use of land or building which does not conform with any or all parts of this ordinance but existed at the time of adoption of the ordinance.
- 2.3.69 “Nonresidential Plat”** means a plat whose intended use is other than residential such as commercial or industrial.
- 2.3.70 “Nursing Home or Convalescent Home”** means a home for the aged or infirm which unrelated persons are accommodated for compensation.
- 2.3.71 “Parking Space”** means an off-street area designated for parking of automobiles accessible from a public street or alley and which shall be no less than nine (9) feet by twenty (20) feet.

- 2.3.72 “Person”** means any individual, firm, corporation, partnership or legal entity.
- 2.3.73 “Planned Development”** means a grouping of buildings and structure on a site of two (2) or more acres in single ownership which is not limited by the yard or building height limitations but is based on a detailed development plan and recorded in the Office of Griggs County Register of Deeds upon approval by the County Commission.
- 2.3.74 “Planning Commission”** means a citizen group appointed by the County Commission under the authority of North Dakota Laws, as an advisory group only.
- 2.3.75 “Preliminary Plat”** means the preliminary plan of a subdivision and any accompanying material prepared in accordance with the requirements of this ordinance.
- 2.3.76 “Pre-Manufactured”** means see “Mobile Homes”.
- 2.3.77 “Public Roads”** means any dedicated and recorded streets, roads, or highways.
- 2.3.78 “Public Way”** means any dedicated and recorded right-of-way including alleys, bikeways, sidewalks, streets, roads or highways.
- 2.3.79 “Regional Flood”** means a flood determined by the state and Federal Emergency Management Agency which is representative of large floods known to have occurred in Griggs County, North Dakota.
- 2.3.80 “Replat”** means a change in approved or recorded plat requiring changes in street layout, lot lines, or blocks.
- 2.3.81 “Right-of-Way”** means a strip of land designated or dedicated for public way, including streets, sidewalks, railroads, electric transmission line, telephone and telecommunication lines, oil or gas pipelines, sanitary sewer, storm sewer, or water systems and brown water systems.
- 2.3.82 “Service Station”** means any building or premises where automotive fuels, automotive related services, lubricants, parts, and supplies are made available to the motorist.
- 2.3.83 “Setback”** means the minimum horizontal distance between the building line and the related front, side, or rear property line.
- 2.3.84 “Sign”** means any emblem, name, identification, description or illustration which is used for outdoor advertising having permanent location on the ground or attached to or painted on a building including bulletin boards, billboards, public information and poster boards, but excluding real estate for sale signs, political campaign signs and traffic signs.

- 2.3.85 “Site Plan”** means a detailed plan for making improvements to parcel(s) of land for the purpose of building and development as provided in this ordinance.
- 2.3.86 “Solid Waste”** means any garbage, refuse, sludge from a waste treatment plant, water treatment plant, or air pollution control facility and other discarded waste material, including solid, liquid, semi solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities. The term does not include solid or dissolved materials in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges that are point sources subject to Permit Section 402 of the Federal Water Pollution Control Act, as amended, or source, special nuclear or the by-product material as defined by the Atomic Energy Act of 1954, as amended.
- 2.3.87 “Street”** means a dedicated public way which affords traffic circulation and a principal means of access to abutting properties.
- 2.3.88 “Street, Local”** means a public way intended for low volume of traffic which provides access to major streets.
- 2.3.89 “Street, Major”** means a public way, arterial or collector streets, used primarily for carrying a large volume of traffic.
- 2.3.90 “Structural Alterations”** means any change in the supporting elements of a building or structure including bearing elements, partitions, columns, beams, girders, roofs, exterior walls and embankments.
- 2.3.91 “Structure”** means anything, built, constructed or erected, the use of which requires permanent location on the ground including advertising signs and billboards.
- 2.3.92 “Subdivider”** means any person, group, corporation, entity or agency dividing or proposing to divide land so as to create a subdivision.
- 2.3.93 “Subdivision”** means the division of a lot, tract, or parcel of land, creating one or more lots, tracts, or parcels for the purpose, whether immediate or future, of sale or of building development, and any plat or plan which includes the creation of any part of one or more streets, public easements, or other rights of way, whether public or private, for access to or from any such lot, tract or parcel, and the creation of new or enlarged parks, playgrounds, plaza, or open spaces.
- 2.3.94 “Temporary”** means one year or less.
- 2.3.95 “Variance”** means the relaxation of the terms of the zoning ordinance in relationship to building height, size of the front, rear and side yards, where the literal enforcement of this ordinance would create an undue hardship, but it is not contrary to the purposes of the Griggs County Comprehensive Plan and this ordinance. The variance shall not be contrary to the public interest.

**2.3.96 “Yard”** means an open space on the zoning lot which is unoccupied or unobstructed by any portion of a structure from the ground upward.

**2.3.97 “Yard, Front”** means a yard that extends across the full width of the lot, as the least distance between the front lot line and the front building line.

**2.3.98 “Yard, Rear”** means a yard that extends across the full width of the lot, as the least distance between the rear lot line and the rear building line.

**2.3.99 “Yard, Side”** means a yard between the front and rear yards, as the least distance between the side of the principal building and the side lot line.

**2.3.100 “Wind Energy Conversion Systems”** Any device that is designed to convert wind power to another form of energy such as electricity, mechanical or heat (also referred to by such common names as wind charger, wind turbine, and wind mill).

### **3. GENERAL PROVISIONS**

#### **3.1 Comprehensive Plan**

This ordinance is administered and enforced to implement the Comprehensive Plan of the County of Griggs. It is a document adopted by the County Commission as a policy guide to protect the county’s resources and accommodate the type of development deemed appropriate including but not limited to the following:

**3.1.1** To conserve and enhance the taxable value of land and buildings.

**3.1.2** To encourage the most appropriate use of land in the county and its unincorporated area.

**3.1.3** To regulate and restrict the location and intensity of use of buildings and land.

**3.1.4** To separate and control unavoidable nuisance producing uses to minimize the adverse impacts on the surrounding areas or uses.

**3.1.5** To facilitate traffic movement and promote development of compatible uses.

### **3.2 Non-conforming Uses**

The lawful use of a building or premises existing at the date of adoption of this ordinance may be continued. Where a non-conforming use is discontinued for a period of more than twenty-four (24) consecutive calendar months any subsequent use or occupancy of such premises shall conform to this ordinance. Whenever a building is destroyed or damaged by fire or other casualty to the extent of more than fifty percent (50%) of its market value it shall not be restored unless said building shall conform to the provisions of the district in which it is located. Non-conforming uses shall not be expanded to occupy a larger area of land than existed at the date of adoption of this ordinance unless there is an undue hardship and is approved by the County.

### **3.3 Land Suitability**

No land shall be used for a purpose which is held unsuitable for the reason of flooding, soil limitations, inadequate drainage, incompatibility with adjoining uses or any condition likely to be harmful to the health, safety or welfare of the people in the area. The County Commission may require information and data to determine the land suitability. The county may consult with city and state agencies to assist in its determination.

### **3.4 Conditional Uses**

Where a use is classified as a conditional use under this ordinance and exists at the date of adoption of this ordinance, it shall be considered an allowed use. Where a use is not allowed as a conditional use or allowed use, under this ordinance, and exists at the date of adoption of this ordinance, it shall be considered non-conforming and shall be subject to the non-conforming buildings and use provision, Section 3.2.

### **3.5 Dedication of Land for Streets**

Whenever a parcel of land to be subdivided as subdivision contains a street or public way, such a street or alley shall be dedicated to the public at the location and details shown on the final plat. All non-section line roadways shall be the responsibility of the subdivision.

### **3.6 Residential Development**

No lot shall contain more than one principal single family residential building, and no dwelling unit shall be built on a lot which does not abut a dedicated public road.

### **3.7 On Site Sewer System**

To protect the public health, to control water pollution and to reduce nuisance and odor, all new development within the county shall be connected to an approved on-site sewage system in accordance with the ND Century Code 62-03.1-03, Private Sewage Disposal Systems. Construction and use of privies, outhouses, and cesspools is prohibited within the county.

## **4. ZONING DISTRICT BOUNDARIES AND MAP**

### **4.1 Zoning Districts**

The following zoning districts are hereby established to carry out the purposes of this ordinance and found in the following Sections:

#### **5.1 Agricultural District**

#### **5.2 Recreation District**

#### **5.3 F-1 Flood Plain District**

#### **5.4 Agricultural Service Centers**

### **4.2 Zoning District Map**

#### **4.2.1 Zoning District Map**

The location and boundaries of the zoning districts are hereby established as shown on the “Zoning District Map” on file in the office of the County Auditor. The zoning district maps, together with all information shown thereon and all amendments thereto, shall be an integral part of this ordinance.

#### **4.2.2 Public Streets as Boundary**

Where zoning district boundary lines are indicated as following roads or streets and public ways or extensions thereof, such boundary lines shall be construed to be the center line of said roads or streets or public ways or extension thereof unless clearly shown on the contrary.

#### **4.2.3 Lot Line as Boundary**

Where a zoning district boundary line coincides approximately but not exactly with the lot line, the zoning boundary shall be construed to be the lot line at that location. All section lines, quarter section lines and quarter quarter section lines may be construed as the property lines.

#### **4.2.4 District Description for Unsubdivided Land**

For unsubdivided property, zoning district boundaries are determined by metes and bounds description or by a legal description as deemed necessary.

#### **4.2.5 Vacated Areas**

Where a street, road or public way is vacated by the official action of the Griggs County Commission, the zoning district boundaries shall be extended to the center of the vacated street, road or public way.



#### **4.2.6 Zoning District Boundary Interpretation**

Where any uncertainty exists as to the exact location of the zoning district boundary lines, the County Commission shall determine the location of such boundary lines.

#### **4.2.7 Certification**

The official zoning map shall bear a certificate with the signature of the County Chairman and certification of the County Auditor and date of adoption of the zoning map as an integral part of this ordinance.

## **5. ZONING DISTRICT REGULATIONS**

### **5.1 Agricultural District**

#### **Purpose**

The purpose of this district is to provide for preservation and protection of agricultural uses while in existence in the county and its unincorporated territorial planning area. All undeveloped or farmlands are in the Agricultural District unless noted otherwise on the official zoning map.

#### **Allowed Uses – Agricultural District**

1. Single family detached dwelling units including double wide and manufactured units placed on a permanent foundation or basement, but not including mobile homes. Animal units are subject to 6.12 of the Special Provisions.
2. Farming and ranching operations including dairying, but excluding commercial feed lots, poultry, fish and fur farming.
3. Accessory buildings and structures.
4. Churches and cemeteries.
5. Golf courses, parks and play fields.
6. County public and private schools, public buildings and facilities.
7. Construction and maintenance of drainage systems to manage the water run-off and water reservoirs.
8. General utility lines and pipelines including substations for transformers, pumping stations, lift stations, and wind generators.
9. Animal units on single family non-farm residents are subject to 6.12 of the Special Provisions.
10. Trees and tree planting subject to 6.13 of the Special Provisions.

#### **Conditional Uses**

- (1) Subdivisions.
- (2) Commercial Uses.

- (3) Industrial Uses.
- (4) Pre-manufactured and mobile homes provided that they are placed on a permanent foundation, permanent or properly anchored basement made of concrete. Loose blocks shall not constitute a permanent foundation. Wheels and hitches must be removed. All mobile homes must be permitted through the county.
- (5) Mobile Home Parks, where public sewer is available, see 6.16 of the Special Provisions.
- (6) Multi-Family dwelling units including two or more units per building.
- (7) Home occupations are subject to 6.15 of the Special Provisions.
- (8) Feedlots, poultry, fish and fur farming subject to 6.4 of the Special Provisions.
- (9) High voltage transmission lines and accessory structures.
- (10) Manufacturing and processing of agricultural products produced in the area but not including rendering plants and fertilizer plants.
- (11) Radio, TV stations and towers.
- (12) Salvage and junk yards, subject to 6.3 of the Special Provisions.
- (13) Sewage lagoons and waste water treatment facilities.
- (14) Skeet, trap and rifle ranges.
- (15) Storage of farm related chemicals.
- (16) State and Federal public buildings and facilities.
- (17) Veterinary clinic, animal hospitals and domestic animal kennels not nearer than five hundred (500) feet from any residence except the residence of the owner or operator.
- (18) Sanitary landfills shall be subject to 6.7 of the Special Provisions.
- (19) Mining of sand and gravel shall be subject to 6.5 of the Special Provisions.
- (20) Daycare Facilities.

### **Lot Area and Lot Width**

- (1) For agricultural uses, the area shall not be less than forty (40) acres.
- (2) The lot width for any use in the Agricultural District shall not be less than two hundred (200) feet.
- (3) For non-farm residential uses, the lot area shall not be less than five (5) acres.
- (4) For non-residential uses, the lot area shall not be less than five (5) acres.

### **Yard Requirements**

- (1) The minimum front yard, measured from the centerline of any public road or street, shall not be less than two hundred (200) feet set back.
- (2) The minimum rear yard, measured from the rear lot line shall not be less than fifty (50) feet.
- (3) The minimum side yard, measured from the side lot line shall not be less than fifty (50) feet.

### **Building Height**

- (1) The building height for residential buildings shall not exceed forty (40) feet.
- (2) The building heights for manufacturing of agricultural products, radio and TV towers shall be determined by the Griggs County Commission.
- (3) The building height, for all other uses, excepting the radio and TV and transmission towers, church steeples, Ag buildings and water tanks, shall not exceed forty (40) feet.

### **Parking Requirements**

For non-farm uses the parking requirements shall be subject to 6.1 of the Special Provisions.

### **Sign Requirements**

Sign requirements shall be subject to 6.2 of the Special Provisions.

## **5.2 Recreational District**

### **Purpose**

To establish and preserve areas for developed recreational activity and residency around rivers, lakes, and other water courses where development is controlled in order to maintain the quality of the environment.

### **Allowed Uses – Recreational District**

1. Cabins.
2. Year-round residences.
3. Mobile homes.
4. Seasonal homes.
5. Churches.
6. Boathouses, storage buildings, or garages up to 30 x 32 feet.
7. Public picnic areas and playgrounds.
8. Outdoor recreation facilities.
9. Fences subject to 6.14 of the Special Provisions.
10. Utility lines and pipe lines as required to provide service.
11. Trees and tree plantings subject to 6.13 of the Special Provisions.

### **Conditional Uses**

1. Places of amusement.
2. Refreshment stands.
3. Commercial campgrounds and recreational vehicle parks.
4. Restaurants, including all types of eating and drinking establishments.

### **Dimensional Standards**

1. Setbacks from normal high water (Minimum):
  - a. Residential, garage, accessory buildings: 25 feet.
  - b. Boathouses: none.
  - c. Fences: 50 feet.
2. Yards (Minimum):
  - a. Side: 15 feet.
  - b. From roads: 25 feet.
3. Lots (Minimum):
  - a. Size: 6,000 square feet with public sewer, one acre with no public sewer.
  - b. Width: 75 feet.
  - c. Depth: 75 feet.

4. Building heights (Maximum):
  - a. Residential: 35 feet.
  - b. Storage buildings: 16 feet.
  - c. Boathouses: 16 feet at high water mark.
  - d. Fences: 8 feet.
  - e. Garages: 35 feet.
5. Square footage requirements (Maximum)
  - a. Boathouses or storage buildings: 400 square feet.

### **5.3 F-1 Flood Plain District**

#### **Applicability**

The F-1 Flood Plain District consists of the lands which have been or may be covered by flood water as delineated on the maps for Griggs County prepared by the Federal Emergency Management Agency (FEMA) for administration of the National Flood Insurance Program or other maps and information provided by the state of North Dakota. The delineated areas as flood plain shall be an overlay for all zoning districts.

#### **Purpose**

The F-1 Flood Plain District is primarily established to designate those areas which need to accommodate the run-off water and to protect life, public and private property from the adverse effects of flooding by preventing development on the lands prone to flooding.

#### **Allowed Uses – Flood Plain District**

General Building uses including general farming, pasture, grazing and related uses provided that the buildings and structures for residential use are flood proofed above the 100 Year Flood Plain as established by FEMA.

Non-structural uses including ponding of run-off water and treated wastewater.

Public utilities including railroads, roads and highways, channels, and pipelines.

Outdoor recreational uses including golf courses, bicycle trails, picnic areas and boat launching ramps.

#### **Conditional Uses**

Temporary buildings and structures not related to flood control and farming such as stands, fences, shelters, signs and temporary parking.

## **Building Height**

No building shall be more than forty (40) feet high excepting farm buildings and structures and communication relay towers.

## **Sign Requirements**

For signs in the F-1 Flood Plain District subject to 6.2 of the Special Provisions.

## **Flood Proofing Measures**

Permitted and conditional uses proposed for the F-1 Flood Plain District that incorporate flood proofing techniques must comply with Section 209 through 1406 of the 1972 Edition of "Flood Proofing Regulations" (FPR), as developed by the Office of the Chief of Engineers, U.S. Army, Washington D.C., a copy of which is hereby incorporated by reference and declared to be part of this Ordinance. Where definition of terms as set forth in Section 301 of FPR conflict in meaning with the definition of terms as set forth in this Ordinance, the latter shall prevail. Appropriate conditions may be attached to the granting of a Conditional Use Permit, including, but not limited to, the following:

Flood proofing measures shall be designed in a manner consistent with the flood protection elevation of the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces and other factors associated with the regulatory flood. The applicant shall submit a plan certified by a registered engineer stating that the flood proofing measures are consistent with the regulatory flood protection and associated factors. The following flood proofing measures may be required without limitation:

- a. Anchorage to resist flotation and lateral movement.
- b. Installation of watertight doors, bulkheads or similar methods of construction.
- c. Reinforcement of walls to resist water pressure.
- d. The use of paints, membranes, or mortar to reduce the seepage of water through walls.
- e. The construction of water supply and waste treatment systems which will prevent the entrance of flood waters.
- f. The addition of mass or weight to structures to reduce flotation.
- g. The installation of pumps to lower water levels in structures.
- h. The installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation, wall, and basement floor pressures.

- i. The location of all electrical equipment, circuits, and installed appliances in a manner which will insure they are not subject to flooding and to provide protection from inundation by the regional flood.
- j. The location of all structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety and welfare above the flood protection elevation or the provision of adequate flood proofing to prevent flotation of storage containers which could result in the escape of toxic materials into flood waters.
- k. State approved ring dike.

## **5.4 ASC – Agricultural Service Center District**

### **Purpose**

The ASC (Agricultural Service Center) District is primarily established to promote a suitable residential rural environment, to accommodate low density detached single-family residential units uninterrupted by conflicting uses and incompatible activities and to provide for commercial uses that are clearly compatible with neighboring residential uses and the agricultural nature of Griggs County.

### **Permitted Uses**

- 1. Single-family detached dwelling units.
- 2. Churches, schools and township related facilities.
- 3. Neighborhood playgrounds and open spaces.
- 4. Accessory buildings and structures.
- 5. Home occupations.
- 6. Day care facilities subject to the requirements of the North Dakota State Department of Health and Consolidated Laboratories.
- 7. Advertising signs and billboards.
- 8. Amusement places including bowling alleys, athletic clubs, pool halls, theaters and similar indoor facilities.
- 9. Antique shops, art galleries and museums.



10. Automobile accessory stores and automobile dealerships.
11. Banks and financial institutions.
12. Boarding and rooming houses.
13. Fraternal and philanthropic organizations.
14. Funeral homes.
15. Hospitals and clinics.
16. Hotels and motels.
17. Professional offices for businesses and services without limitation.
18. Radio and TV stations and recording studios but not the towers, dishes and major accessories.
19. Restaurants including all types of eating and drinking establishments.
20. Retail stores of all types including but not limited to food, drug, clothing, parts, materials and like, excepting department stores and variety stores.
21. Schools, public and private.

### **Conditional Uses**

1. Public facilities including parks, public water and sewerage systems, and golf courses except miniature courses or driving ranges operated for commercial purposes.
2. Multifamily dwelling units not exceeding four (4) units per acre provided that public water and sewer are available.
3. Mobile home parks, where public water and sewer is available, with the following requirements may be permitted.
  - A. A site plan showing location of streets, utilities, off-street parking, driveways walkways blocks, lots, playground and park area.
  - B. The mobile home park shall contain a minimum of five (5) acres of land.
  - C. The maximum number of mobile homes shall be six (6) units per gross acre.

- D. Each mobile home shall be placed on a lot at least fifty (50) feet wide with a minimum area of five thousand (5,000) square feet.
  - E. Each unit shall be placed on a stand and anchored to provide a firm foundation and prevent accidental movement or overturning.
  - F. Each unit shall have a minimum setback of ten (10) feet within the parks and seventy-five (75) feet from the township roads and one hundred (100) feet from other highway rights-of-way outside of the park.
  - G. Each unit shall have a minimum side yard of ten (10) feet.
  - H. The design and construction of private streets within the park shall conform to the design standards set by Griggs County.
  - I. All units shall be served by underground utilities unless waived by the Griggs County Commission.
  - J. There shall be two (2) off-street parking spaces per unit.
  - K. All units shall have an approved sewage system.
- 4. Reservoirs, water storage tanks, and water pumping stations.
  - 5. Drive-in establishments.
  - 6. Contractor's yards and operation.
  - 7. Garages for repair and service of passenger motor vehicles.
  - 8. Processing and packaging of materials with less than ten (10) employees.
  - 9. Storage facilities for rent.
  - 10. Storage and sale of chemicals, explosives and the like.
  - 11. Truck stops.
  - 12. Variety stores and department stores.
  - 13. Warehouses and wholesaling distributorships.

### **Lot Area and Lot Width – Residential Uses**

The minimum lot size shall be one quarter (¼) acre for single family dwellings.

Where public sewer is available, the minimum lot area shall be ten thousand (10,000) square feet.

For multi family uses, the minimum lot area shall be twenty thousand (20,000) square feet with five thousand (5,000) square feet per unit provided that public sewer is available.

The minimum lot width shall not be less than one hundred (100) feet.

### **Yard Requirements – Residential Uses**

The minimum front yard, measured from the front lot line, shall be no less than seventy-five (75) feet on township roads and one hundred (100) feet for all other highway rights-of-way.

The minimum rear yard, measured from the rear lot line, shall not be less than fifty (50) feet.

The minimum side yard, measured from the side lot line, shall not be less than ten (10) feet on each side of a lot.

### **Building Height – Residential Uses**

No building shall be more than three (3) stories or forty (40) feet high except farm buildings and church steeples.

### **Parking Requirements – Residential Uses**

There shall be a minimum of two (2) off-street parking spaces provided for each residential dwelling unit.

The parking needs for the conditionally permitted uses and non-residential uses shall be subject to the requirements of 6.1 of the Special Provisions.

### **Sign Requirements – Residential Uses**

There shall be no more than one identification sign per residential dwelling structure not exceeding five (5) square feet in area. The sign may be wall, pedestal, ground or projecting type but it shall not project into the public right-of-way or public property.

Temporary signs including "For Rent", political campaign signs, greeting signs and rally signs are permitted.

## **Lot Area and Lot Width – Commercial Uses**

The minimum lot area for commercial uses shall be one third ( $\frac{1}{3}$ ) acre.

The minimum lot width for commercial uses shall be one hundred fifty (150) feet.

## **Lot Coverage – Commercial Uses**

The principal and accessory uses excluding parking shall not cover more than fifty percent (50%) of the lot.

## **Yard Requirements – Commercial Uses**

The minimum front building line, measured from the front line, shall be seventy-five (75) feet for all properties fronting township roads and one hundred (100) feet for all properties fronting on other highway rights-of-way.

The minimum rear building line, measured from rear lot line, shall be fifty (50) feet.

The minimum side building line, measured from the interior side of the lot shall be ten (10) feet. The minimum side building line for exterior lots measured from other rights-of-way shall be seventy-five (75) feet from township roads and one hundred (100) feet from all other highway rights-of-way.

## **Building Height – Commercial Uses**

The building height requirements for commercial uses shall not be more than forty (40) feet excepting farm related buildings and communication towers.

## **Parking Requirements – Commercial Uses**

The front yard and the rear yard spaces may be used for parking.

See 6.1 of the Special Provisions.

## **Sign Requirements – Commercial Uses**

See 6.2 of the Special Provisions.

## **6. SPECIAL PROVISIONS**

### **6.1 Off-Street Parking**

#### **Purpose**

The purpose of this section is to provide for the off-street parking regulations to increase the safety and capacity of public roads by requiring off-street parking or loading facilities.

#### **General Requirements**

- (1) An off-street automobile parking space shall be at least nine (9) feet wide and twenty (20) feet long, exclusive of access drives.
- (2) All open off-street parking areas with four (4) or more spaces and all loading berths shall be: (a) gravel, concrete or asphalt surfaces; (b) graded to dispose of all surface water run-off but not be diverted to adjoining properties.

#### **Special Requirements**

- (1) No building shall be erected or enlarged without meeting the following parking requirements:
  - a) Business, professional or public office building, studio, bank, medical or dental clinic: three (3) parking spaces plus one additional space for each four hundred (400) square feet of floor area over one thousand (1,000) square feet.
  - b) Private club or lodge: two parking spaces for each two hundred (200) square feet of service area.
  - c) Restaurant, eating and drinking establishment: one parking space for each one hundred (100) square feet of floor area.
  - d) For industrial uses there shall be one off-street parking space for every one and one-half (1½) employees.

### **6.2 Signs**

#### **Purpose**

The purposes of regulating signs in the county is to provide for a visually pleasant environment and minimize potentially unsafe conditions for all age groups, but yet offer many opportunities for public and private information and advertising.

## **General Requirements**

- (1) Directory signs shall not be larger than twenty (20) square feet in area for allowed uses.
- (2) Directory signs for conditional uses shall not be larger than forty (40) square feet.
- (3) Advertising signs shall not be larger than ninety-six (96) square feet.
- (4) Informational signs shall not be larger than ninety-six (96) square feet.

## **Special Requirements**

- (1) Signs in the Agricultural Service Center District shall be limited to: (a) One sign per dwelling structure not exceeding twelve (12) square feet in area which may be wall, pedestal, ground or projecting type; (b) One temporary sign such as “For Sale”, or “For Rent”, not exceeding twenty (20) square feet in area.
- (2) Signs in the Agricultural Service Center District shall be limited to: (a) One general identification sign per business not exceeding fifty (50) square feet in area which may be wall, pedestal, ground or projecting type; (b) Temporary signs including “For Sale”, “For Rent”, political campaign signs, greeting signs and rally signs not exceeding fifty (50) square feet in area; (c) Directory, advertising and informational signs in the Agricultural and Agricultural Service Center Districts shall not be larger than ninety-six (96) square feet and not placed nearer than six hundred (600) feet apart.

## **6.3 Junk or Salvage Yards**

### **Purpose**

The purpose of these requirements is to preserve and protect the visual and other environmental amenities of the rural areas while allowing the salvage or junkyards as business places.

### **Site Approval Requirements**

All sites for salvage and junkyards require approval by the Griggs County Commission.

### **Locational Standards**

- (1) No salvage or junkyard shall be located within one thousand (1,000) feet of a residential district and two hundred (200) feet of commercial buildings and structures.

- (2) No salvage or junkyard shall be located in areas, which due to high water table, flooding and soil conditions may affect the quality of surface and ground water.
- (3) No salvage or junkyard shall be located nearer than two hundred (200) feet off all road and highway rights-of-way.
- (4) All salvage yards and operations shall be screened from the public view. Such screening shall be by natural vegetation, and fences ten (10) foot minimum, building, and/or land form.
- (5) Storage items shall not be higher than fences.

## 6.4 Commercial Feed Lots

### Purpose

These regulations are designed to allow feed lots for feeding of livestock, furbearers and poultry at the same time protect the adjoining uses against odor, run off and other incompatible characteristics associated with feed lots.

### General Requirement

- (1) All feed lots as defined by this code are only permitted as conditional uses subject to the provisions of this code and the requirements of the North Dakota State Health Department except as follows for setback distances for animal feeding operations.

### SETBACK DISTANCES FOR ANIMAL FEEDING OPERATIONS

NUMBER OF ANIMAL UNITS	HOG OPERATION	OTHER OPERATIONS
2000 +	1.50 miles	1.00 miles
5001 +	1.75 miles	1.25 miles

- (2) Feedlots shall not be placed in the floodplains.

### Animals Prohibited

Dangerous and/or exotic animals such as but not limited to lions, tigers, cheetahs, bears, venomous reptiles, alligators, etc. are prohibited except for traveling fairs, circuses, and brief veterinary care unless a special use permit is obtained.

## **6.5 Mining of Sand, Gravel, Clay and General Ground Excavation**

### **Purpose**

The purpose of these provisions is to provide for mining and extraction of materials for commercial uses, and to protect and preserve agricultural land by guiding such operations, and to minimize the traffic, noise, dust, fume and vibration impact on the adjoining uses and the county.

### **Site Approval Requirements**

All excavation sites require approval by the Griggs County Commission. See definitions of "commercial gravel pit" and "private gravel pit".

### **Data Submission Requirements**

- (1) A site plan for operation and reclamation of the mined land including maps showing location of the land to be mined, location of roads and point of access to the site, adjacent residences within one mile of site, maps showing the existing and proposed contours after the land is mined and a time table for operation of the site. There will be a minimum one (1) to three (3) slope. All top soil shall be replaced and planted to natural protected vegetation.
- (2) Reclamation of the site shall be completed within one year of the resource being exhausted, abandoned or closure of the operation of the site.
- (3) Proof of compatibility with the existing landform including the vegetation, surface and ground water resources.
- (4) Bonding required as follows:

0 – 19 acres	no bond
20 – 39 acres	\$50,000
40 + acres	\$100,000

### **Proximity to Existing Uses**

The operation of sand and gravel sites shall not be nearer than five hundred (500) feet from any residential uses.

### **Permit Requirements**

Any person who operates a sand and gravel operation shall obtain a permit from the Zoning Administrator before starting any mining or excavation of the sand and gravel sites, and after review by the Planning Commission and approval by the Griggs County Commission.



## **6.6 Wellhead Protection**

### **Purpose**

The purpose of this regulation is to preserve and maintain the integrity of the municipal ground water supplies, both as to quantity of ground water and quality of ground water.

### **General Requirements**

A conditional use permit shall be required to use ground water, other than for home and farm livestock, but not for commercial feed lots or irrigation, by water well or otherwise. The following conditions must apply before a permit is issued:

1. Must be in compliance with North Dakota State Law, the Health Department and the State Water Commission regulations.
2. Must be located at least one thousand three hundred and twenty (1320) feet from a municipal well or rural water system well.

A conditional use permit shall be obtained for mining, extraction of gravel or clay within a municipal or rural water supply well zone of contribution.

The following conditions must apply before a permit is issued:

1. Must be in compliance with North Dakota State Law, the North Dakota Health Department and the State Water Commission regulations.
2. Must be located at least two thousand six hundred and forty (2,640) feet from a municipal or rural water system well, or outside the zone of contribution as established by the planning documents of the system and the North Dakota State Health Department, whichever is furthest away from the well.

## **6.7 Sanitary Landfills and Solid Waste Sites**

### **Compliance with State Laws and Rules**

Any person who operates sanitary landfills or solid waste sites shall comply with all North Dakota state laws and administrative rules set forth by the state agencies.

### **County Ordinance and Procedures**

The county hereby adopts solid waste provisions, subject to the Provisions of N.D.C.C. § 11-33-20, to assure meeting the purposes of this ordinance and the County Comprehensive Plan.

## **Purpose**

The purpose of these provisions is to protect public health, ground and surface water, conflict with present land uses and preservation and protection of natural resources in the county.

## **Site Approval Requirements**

All solid waste sites require a review and approval by the Griggs County Commission.

## **Collection of Solid Waste**

1. Non-farm commercial and industrial businesses must have a solid waste disposal plan.
2. No person may collect or transport waste materials for a fee without obtaining a permit from the Griggs County Zoning Administrator.
3. Every hauler shall provide for the collection of solid waste and recyclable materials appropriate vehicles, receptacles, containers meeting the requirements of Griggs County, and the requirements of the State of North Dakota. Such vehicles shall have leak-resistant bodies of easily cleanable construction, completely covered with metal, heavy canvas or other suitable covering.
4. All recyclable materials shall be transported to an approved recycling facility.
5. Regulated infectious waste may not be subject to compaction during loading, unloading and transit and must be handled carefully.
6. All vehicles or containers which are used to haul solid waste must be clean and free of residues of the waste material in order to minimize problems of odor, insects and rodents.
7. No person shall collect or transport solid waste that is smoking, smoldering, or burning, except in a container designed and approved by the Griggs County Commission.
8. No solid waste collection or transportation vehicle which is not free of waste residue may be parked outdoors within one hundred (100) feet of a commercial or residential structure not owned by the owner or operator of the vehicle.

## **Littering and Open Burning**

1. No person shall discard and abandon any litter, furniture, or major appliance upon public or private lands.

2. No person may engage in open burning of solid waste, unless the burning is conducted in accordance with the rules of the State of North Dakota and Griggs County.

### **Waste Storage**

1. All waste material shall be stored in a manner that complies with state and federal regulations and shall meet the requirements of Griggs County.
2. Solid waste materials shall not be stored on public or private property for more than two weeks without approval of the Griggs County Commission.
3. Storage of solid waste shall be confined to buildings and structures designed specifically for such purpose and shall be secured by appropriate fences and gates. The openings to the buildings and structures including, but not limited to, conveyors, doors, ramps and other points of access for use by transport or moving vehicles when not in use shall be closed air tight to minimize the impact from odor and concentration of insects or rodents.

### **Asbestos Waste**

1. Asbestos waste shall be disposed of in accordance with the applicable rules and regulations of the State Health Department or the hazardous waste requirements of this ordinance.

### **Hazardous Waste**

1. No person engaged in the operation of solid waste landfills, resource recovery or solid waste processing facilities may knowingly store, treat, handle, or dispose of hazardous waste in amounts in excess of quantities normally found in household waste unless approved by the State Health Department and the Griggs County Commission.
2. Containers having hazardous waste in excess of normal household quantities, shall be dated and marked to designate the content as toxic, explosive, or otherwise hazardous.
3. No person shall place hazardous waste in municipal solid waste or dispose of hazardous waste without approval of the Griggs County Commission.

### **Incineration and Energy Recovery**

1. All incinerators shall meet the requirements of the State Health Department and standards set forth by Griggs County.

2. No person shall install, operate, or incinerate without obtaining a permit from the Griggs County Zoning Administrator.
3. Applicant shall meet the requirements of these regulations and all applicable rules of the state.
4. During operation, the operator shall comply with the following requirements:
  - a. Maintain permanent records for inspection on the quantity and type of material incinerated, the quantity of ash residue and schedule of plant operation.
  - b. Any discharges to the air, or to surface or ground water shall meet all applicable state and federal regulations.

### **Major Appliances (White Goods)**

1. Disposal of major appliances will be in accordance with State Health Regulations.

### **Pesticide Waste**

1. Surplus pesticides may not be discarded in any manner, including land filling, that endangers humans, animals, and the environment.
2. Any person who handles surplus agricultural pesticides and pesticide containers shall comply with applicable rules and regulations of the State Health Department.

### **Problem Materials**

1. Disposal of lead, batteries or used oil will be in accordance with State law.
2. Any person selling lead-acid batteries at retail or wholesale is required to accept lead-acid batteries from customers as trade-ins for new lead-acid batteries.
3. No person shall dispose of regulated infectious waste in a solid waste landfill.

### **Waste Tires**

1. Waste tire collectors and processors shall meet all requirements of these regulations and the State Health Department.
2. Waste tire collectors and processors, excluding the following persons, shall obtain a permit from the Griggs County Zoning Administrator:
  - a. Retail tire sellers.
  - b. Tire retreading operations.

3. No person shall dispose of waste tires in the municipal solid waste landfills.
4. Waste tires shall be stored in a manner that will not create a nuisance, blight, health hazard or fire hazard.
5. Waste tires shall not be stored or disposed of in any stream, wetland, gully, flood plain or shore land.

### **Industrial Waste**

1. Industrial waste may not be discarded in any manner including landfilling that endangers humans, animals and the environment.
2. Any person who handles industrial waste shall comply with applicable rules and regulations of the North Dakota State Health Department.
3. No person shall place industrial waste in a solid waste landfill or dispose of industrial waste without approval of the Griggs County Commission.

### **General Standards**

1. No solid waste facility shall be located in areas which result in impacts on human health or environmental resources or in areas unsuitable because of reasons of topography, geology, hydrology, or soils.
2. Sites for a new solid waste facility, or for lateral expansion of, or for municipal waste landfills, or for industrial waste landfills shall have favorable physical conditions. Sites shall have low permeability to prevent movement of contaminants.
3. No person shall dispose of waste of any type in the following areas:
  - a. Aquifers.
  - b. Public water supply designated wellhead protection area.
  - c. Within one-hundred-year flood plain.
  - d. Where geological or man-made features may result in failure of the structural integrity of the facility.
  - e. Channels, ravines, or other waterways.
  - f. Critical habitats for endangered or threatened species of plant, fish, or wildlife.
  - g. In an area that could adversely impact an aquifer, aquifer recharge area horizontally from the ordinary high water elevation of any surface water or wetland, any local, state or national park.

4. No solid waste facility or lateral expansion shall be located within ten thousand (10,000) feet of any commercial airport runway or five thousand (5,000) feet of any general aviation airport runway.
5. A minimum horizontal separation of fifty (50) feet must be maintained between new or lateral expansion of solid waste management units and any above ground or underground pipeline or transmission.

## **Design Standards**

### **1. Municipal Waste Landfills**

- a. Any new or lateral expansion of a municipal solid waste landfill shall be underlain with a hydraulic barrier and leachate removal system capable of collecting and removing leachate and contaminated surface water within the landfill.

The liner shall consist of:

- (1) A natural soil liner constructed of at least four (4) feet of compacted clay soil; and
  - (2) A composite liner consisting of two (2) components; the upper component must consist of a minimum sixty (60) mill flexible membrane liner, and the lower component must consist of at least a two-foot layer of compacted clay soil.
- b. The liner and leachate removal system in combination with the final cover shall achieve a site efficiency of ninety-five percent (95%) or better for rejection or collection of the precipitation that falls on the site.
  - c. Methane and other gases from waste decomposition may not be allowed to migrate laterally from the landfill so as to endanger structures, environmental resources, or adjacent properties.

### **2. Industrial Waste Landfills**

- a. Any new or lateral expansion of an industrial waste landfill shall be designed with an appropriate hydraulic barrier and leachate management system capable of collecting and removing leachate and contaminate surface water within the disposal unit.
  - (1) The system shall have a collection efficiency of ninety-five percent (95%) or better and must be capable of maintaining a hydraulic head of twelve (12) inches or less above the liner.
  - (2) For landfills that receive waste containing soluble constituents, the liner shall consist of at least four (4) feet of compacted clay soil.

- (3) A composite liner is required for landfills receiving wastes which may contain leachate organic constituents. The liner shall consist of at least four (4) feet of compacted clay overlain with at least a sixty (60) mill flexible membrane liner.
- (4) The liner and leachate removal system in combination with the final cover shall achieve a site efficiency of at least ninety-eight and one-half percent (98½%) or better for collection or rejection of the precipitation that falls on the site.

### 3. Inert Waste Landfills

- a. Access to the facility shall be controlled and the site shall be fenced.
- b. Disposal of agricultural waste, asbestos waste, hazardous waste, municipal waste, commercial waste, industrial waste, regulated infectious waste, liquid waste, radioactive waste and municipal incinerator ash is prohibited. Lime sludge from water treatment plants may be deposited in an inert waste landfill.

### 4. Recycling Facilities

Recycling facility by definition is the place where any material including yard waste, oil, glass, metal, plastic, paper, or cardboard is processed for an end use. Because of the nature of recycling facilities as permanent structures, Griggs County Commission approval and permit is required. The following conditions are required to obtain a permit:

- a. The facility does not abut residential and public uses.
- b. The facility will be screened from the public right-of-way.
- c. The facility shall not be placed in the flood plain.
- d. The facility should meet setbacks and appropriate landscaping requirements of the zoning ordinance.
- e. The exterior storage of material shall be in covered, secured and sturdy containers or enclosures maintained in good condition.
- f. The site shall be free of litter and other undesirable materials. Containers shall be clearly marked to identify the type of material that may be deposited.
- g. Appropriate number of off-street parking for equipment and employees vehicles to be provided.

- h. There shall be a pest control plan for review and approval by the Griggs County Commission.
  - i. The facility should meet all other requirements of the zoning district and other local regulations. If the facility is permitted as a conditional use, the term of the conditions must be met literally.
5. Hazardous Waste Facilities

The design, construction and operation of hazardous waste facilities require extensive analysis of the physical characteristics of the site and its relationship to other uses with long term potential impact in the future. Each facility shall be reviewed on a case by case basis for Griggs County Commission approval. Payment is required for hazardous waste facility permit.

### **Construction and Operation Standards**

1. General Standards
- a. Every solid waste landfill or facility shall maintain equipment adequate for excavation, compaction, covering, surface water management and monitoring procedures.
  - b. Roads shall be constructed and maintained to provide access to the facility. Access roads shall be cleaned and decontaminated as necessary.
  - c. There shall be an adequate supply of suitable soil cover material, which may be stockpiled and protected from wind and water erosion.
  - d. The final cover of all disposal facilities shall be designed and constructed in a manner that ensures the quality and integrity of the hydraulic barrier and the protective vegetative cover.
  - e. The working face or open area of a landfill shall be limited in size to as small an area as practicable. Sequential partial closure must be implemented as necessary to keep the disposal area as small as practicable and to close the filled areas in a timely manner.
  - f. The disposal of liquids, sludges, and wastes containing free liquids in excess of household quantities is prohibited unless expressly authorized.
  - g. In disposal facilities the owner or operator shall identify, quantify, remove, stockpile and maintain earthen materials, suitable for plant growth for later use in closure.



- h. Vector control measures, in addition to the application of cover material, shall be used whenever necessary to prevent transmission of disease and hazards created by rats, flies, snakes, insects, birds, cats, dogs and other non-domestic animals.
2. Municipal Waste Landfills
- a. Facilities receiving municipal waste shall have an attendant at or near the entrance to the facility to monitor, accept or reject, measure, weigh and record waste arriving at the facility.
  - b. Solid waste shall be unloaded at the bottom of the working face of the fill. The waste shall then be spread in layers and compacted as densely as practicable. Each layer may not exceed a thickness of two (2) feet of material after compaction is completed.
  - c. A uniform compacted layer of six (6) inches or more of suitable earthen cover material shall be placed on all solid waste by the end of each working day. All cover shall be free of trash, garbage, or other similar waste.
  - d. On all areas where final cover or additional solid waste will not be placed within one (1) month, an additional six (6) inches or more of compacted, clay-rich earthen cover material shall be placed.
3. Industrial Waste Landfills
- a. All wastes deposited at the site shall be spread and compacted as densely as practical to minimize waste volume and promote drainage of surface water.
  - b. Waste disposal in industrial waste landfills shall be limited to those wastes identified in the permit application or permit. Regulated infectious waste, waste oil, hazardous waste, and radioactive waste shall not be accepted for disposal at the landfill.
  - c. Solid waste shall be unloaded at the bottom of the working face of the fill. The waste shall then be spread in layers and compacted as densely as practicable. Each layer may not exceed a thickness of two (2) feet of material after compaction is completed.
  - d. A uniform compacted layer of six (6) inches or more of suitable earthen cover material shall be placed on all solid waste by the end of each working day. All cover shall be free of trash, garbage, or other similar waste.
  - e. On all areas of the industrial waste landfill where final cover or additional solid waste will not be placed within one (1) month, twelve (12) inches or more of compacted clay-rich soil material or synthetic cover shall be placed to minimize the infiltration of surface water and to control windblown dust.

## **Closure Standards**

1. The requirements of this subsection apply to all solid waste management facilities, unless otherwise specified.
  - a. Each owner or operator shall close a solid waste facility to:
    - (1) Minimize the need for further maintenance.
    - (2) Control, minimize, or eliminate any scope of solid waste constituents, leachate, fugitive emission, contaminated run-off or waste decomposition product.
  - b. Closure shall be implemented within thirty (30) days after receiving the final volume of waste and shall be completed within one hundred eighty (180) days, unless otherwise approved by the Griggs County Commission.
  - c. Each owner or operator shall prepare and submit a written closure plan as a part of the permitting process. The closure plan shall project time intervals at which closure is to be implemented, describe the resources and equipment necessary for closure, and identify closure cost estimates.
  - d. At closure, an owner or operator shall cover an existing unit with a layer of compacted soil material having a thickness of eighteen (18) inches or more. The compacted layer must be free from cracks and extrusions of solid waste. A second layer of twelve (12) inches or more of clay-rich soil material suitable for serving as a plant root zone must be placed over the compacted layer. At least six (6) inches of suitable plant growth material must be placed over the covered landfill and planted with adapted grasses. The total depth of the final cover shall be three (3) feet or more.

## **Surface Impoundment Standards**

1. Applicability
  - a. The design, construction, and operating standards in this subsection apply to surface impoundments that store or treat solid waste, sludge containing free liquids, free liquids containing high concentration of dissolved solids, or liquids derived from processing or handling of solid waste.
  - b. These standards are not applicable to:
    - (1) Surface impoundments which treat waste water, the discharge of which is subject to other local, state and federal regulations;
    - (2) Surface impoundments which handle agricultural waste;

(3) Lime sludge settling basins; and

(4) Basins used to collect and store storm water run-off.

## 2. Design Standards

- a. New units shall have a compacted soil liner of a minimum of two (2) feet or a flexible membrane liner which would control the migration of waste or waste constituents through the liner.
- b. The dikes shall be designed to maintain their structural integrity under conditions of a leaking liner and capable of withstanding erosion.
- c. There shall be a free board equal to or greater than two (2) feet to avoid overtopping from wave action or precipitation.

## 3. Operation Standards

- a. When a surface impoundment is in operation, it shall be inspected by the owner or operator monthly and after storms to detect:
  - (1) Deterioration, malfunction, or improper operation of control systems;
  - (2) Sudden drop in the level of impoundment's content; and
  - (3) Severe erosion, seepage, or other signs of deterioration in dikes or other containment devices.
- b. Prior to placing surface impoundment into operation or prior to renewed operation after six (6) months or more during which the impoundment was not in service, a professional engineer must certify that the impoundment's dike and liner have structural integrity.

## Land Treatment Standards

### 1. Applicability

- a. These standards shall apply to facilities that are used in treatment of solid waste. These standards do not apply to: facilities utilizing domestic sludge; agricultural wastes; inert waste, or infectious waste.

### 2. Requirements

- a. There shall be no standing water in active area.

- b. There shall be adequate waste storage facilities.
- c. All run-off shall be collected and treated.
- d. Slopes and other features that will lead to soil and waste erosion shall be avoided.
- e. There shall be access control to the site.
- f. There shall be no waste disposal area with standing water.
- g. There shall be no food chain crops during the active life of the facility and after closure until demonstrated to be safe.

## **Infectious Disease**

### **1. Management Standards**

- a. At the point of origin, regulated infectious waste shall be separated from other wastes and placed in distinctive containers that do not leak and are impervious, puncture resistant, and tear resistant. Bags and containers holding infectious waste shall be tied, closed or sealed securely to prevent leakage. Each container shall be labeled as to source, contents, and date.
- b. The handling and storage of regulated infectious waste, shall be conducted in a manner which minimizes exposures to employees, transporters and the public.
- c. Regulated infectious waste shall be treated in accordance with State law.

## **Financial Assurance**

- 1. Requirements of this regulation shall apply to all new, existing and expanded solid waste facilities.
- 2. Each owner or operator shall be required to submit to Griggs County a copy of the financial assurance plan and mechanism prepared for the State Health Department.
- 3. The governing body may require additional documentation and financial assurance as it deems necessary.
- 4. Publicly owned solid waste facility may generate the fund for closure and post-closure requirements from fees, charges and from other municipally available sources.

## **Statement of Findings**

Upon the public notification and public hearing, the Griggs County Commission shall determine whether the proposed site meets the requirements of this ordinance.

### **6.8 Garden Sheds**

A garden shed shall be no larger than twelve (12) feet by twelve (12) feet and no greater than twelve (12) feet in height. Garden sheds shall be located no less than three (3) feet from the rear and side lot lines in rear corners of the property. There shall be no more than two (2) garden sheds on any zoning lot. Said structures shall have doors facing into the property.

### **6.9 Public Nuisances**

The maintenance of public nuisances including, but not limited to noxious weeds, smoke, gases, radio interference, blighted structures or buildings, substantial noise in excess of seventy-five (75) dB during the day and sixty-five (65) dB at night, accumulation of junk, trash, rubbish, automobiles, dead or diseased trees shall be subject to the provisions of the County Ordinances.

### **6.10 Noise**

Sustained noise of over seventy-five (75) dB during the day and sixty-five (65) dB at night is not allowed.

### **6.11 Recreational Vehicles and Travel Trailers**

The use of recreational vehicles, travel trailers and other trailers used for temporary occupancy shall be limited to two hundred forty (240) days per year within the county. Storage of residents' recreational vehicles is unlimited.

### **6.12 Animal Units on Single Family Non-Farm Residential and Recreational Districts**

1. Animal Units not exceeding one (1) unit per acre density provide that:  
(a horse is considered one animal unit)
  - a. the parcel in question comprises an area of at least three (3) acres, there shall be minimum of one (1) acre for one (1) animal unit, and an additional acre for every additional animal unit kept on the property. More animal units on acreage than previously specified will require a conditional use permit.
  - b. the residential use area shall be separated from the area to be used as an animal enclosure by a fence, and that the entire animal enclosure area shall be fenced to prevent escape and subsequent damage to adjacent property.

- c. no structure intended for housing animals or any manure pile shall be closer than five hundred (500) feet from any residential structures other than that of the owner.
- d. all manure and other animal wastes be removed and disposed of properly on at least an annual basis.
- e. the number of animal units permitted shall be based on the size of the portion of the parcel to be used as an animal enclosure, and that animal enclosure area shall not be less than two (2) acres.

### **6.13 Trees and Tree Plantings:**

- 1. No person or persons, corporations or otherwise, whether owners or tenants of any property along the streets or roadways of Griggs County shall permit any trees to project less than eight (8) feet over the sidewalks, streets, and roadways, and twelve (12) feet above streets and roadways.
- 2. It is the duty of all persons, whether owners or tenants, to keep the trees along public streets and roadways adjoining such property trimmed in such manner that trees shall not interfere with travel on said streets, roadways, and sidewalks.
- 3. No persons, firms or corporations shall plant any tree, shrub, or other vegetable growth except lawn grass on any road right-of-way, or within confines of the ditch back slope.
- 4. For the purpose of insuring reasonable visibility at street or roadway intersections, trees shall be trimmed to at least twelve (12) feet above street or roadway surface and eight (8) feet over sidewalks.
- 5. Hedges may be planted two hundred (200) feet from the center of road if they do not exceed a height of twenty-four (24) inches.
- 6. Shelterbelts shall not be planted closer than two hundred (200) feet from center of road.
- 7. Farmstead windbreaks set back shall be two hundred (200) feet away from center of road. Variances for trees and fences issued through appropriate highway officials: Griggs County Road Superintendent.
- 8. In unplatted areas, trees and shrubs may be planted no closer than two hundred (200) feet from center of road or at discretion of the Griggs County Road Superintendent. Any changes from this guideline shall be assessed a permit fee to cover site inspections and other incurred costs.

## **6.14 Fences**

1. No site-obscuring fence over forty-eight (48) inches in height shall be erected within the front yard of any lot used for residential purposes.
2. No fence shall exceed a height of six (6) feet without first obtaining a permit from the Griggs County Zoning Administrator.
3. No permanent fence shall be erected on a road right-of-way or within the confines of the ditch back stop.
4. Electrical fences shall conform in all respects to the State of North Dakota regulations for electrical wiring, and shall be energized only with underwriters laboratories approved equipment.

## **6.15 Home Occupations, Standards for Approval**

1. A Home Occupation in an unincorporated community:
  - a. The occupation shall be limited to the dwelling and the area of the occupation shall not exceed twenty-five percent (25%) of the main floor area, but not including basement or garage floor space.
  - b. Structural changes shall not be made in the dwelling, unless a building permit is obtained.
  - c. Employees are limited to two (2) full time or four (4) part time besides owners without a conditional use permit.
  - d. No sign may be permitted larger than four (4) square feet.
  - e. Evidence of the occupation shall not be visible from the road.
  - f. The occupation shall not adversely affect the character of the uses permitted in the district in which it is located.
2. Rural Home Occupations:

Rural home occupations shall conform to the requirements for suburban home except:

- a. Rural Home Occupations may be located in a separate non-residential or farm building provided any building principally used for the home occupation shall not exceed one thousand two hundred and eighty (1,280) square feet. Minimum lot size for a separate non-residential building shall be one (1) acre.
- b. Employees are limited to two (2) full time or four (4) part time personnel.

- c. Structural additions may be made to a dwelling provided the alterations shall not exceed twenty-five percent (25%) of the main floor of the area of the dwelling, but not including basement or garage floor area. A building permit is required.
- d. Location site shall be limited to single lot residential sites or farmstead sites.

#### **6.16 Mobile Home Parks, where public sewer is available**

- a. A site plan showing location of streets, utilities, off-street parking, driveways, walkways, blocks, lots, playground and park area.
- b. The mobile home park shall contain a minimum of three (3) acres of land.
- c. Each mobile home shall be placed on a lot at least fifty (50) feet wide with a minimum area of five thousand (5,000) square feet.
- d. Each unit shall be placed on a stand and anchored to provide a firm foundation.
- e. Each unit shall have a minimum setback of ten (10) feet within the private park and thirty (30) feet from the public streets.
- f. Each unit shall have a minimum side yard of ten (10) feet and a rear yard of twenty (20) feet.
- g. The design and construction of the private streets within the park shall conform to the design standards of the county.
- h. All units shall be served by underground utilities unless waived by the County Commission.
- i. There shall be two (2) off-street parking spaces per mobile home.

#### **6.17 Adult Entertainment Center**

- 1. An adult entertainment center shall not be located within one thousand two hundred and fifty (1,250) feet of any religious institution, cemetery, school, park or recreation facility (bike paths excluded). They shall be located in an Agricultural Service Center District.
- 2. An adult entertainment center shall not be located within one thousand two hundred and fifty (1,250) feet of any establishment that dispenses alcohol on-premises.
- 3. An adult entertainment center shall not be located within one thousand two hundred and fifty (1,250) feet of any other adult entertainment center.
- 4. An adult entertainment center must prohibit entrance by persons less than eighteen (18) years of age.



5. An adult entertainment center may not display any signs visible from the exterior of the adult entertainment center, except for signs identifying it as an adult entertainment center, as an adult bookstore, adult entertainment facility, adult cinema or combination thereof.
6. No material depicting specified sexual activities or specified anatomical areas shall be visible from the exterior of an adult entertainment center.
7. The business premises of an adult entertainment center that are generally open to its patrons are open equally at the same time to members of any law enforcement agency who may wish to enter thereon provided the entry is in the course of the discharge of the law enforcement officer's duties.

## **6.18 Utilities**

1. The term “utilities” includes, but is not limited to, electric power, electrical transmission lines, wind conversion systems, commercial wind generators, electrical and telephone towers and substations, natural gas pipelines, the petroleum product pipelines, water and sewer lines, telephone lines and other above ground or underground communication and energy transfer lines and pipelines.
2. All new utility lines and pipelines require a permit.
3. All new utility lines and pipelines are considered conditional uses and shall conform to the provisions of the Conditional Use Permit requirements of these regulations.
4. All pipelines, natural gas, petroleum pipelines and other energy transfer lines shall be placed deep enough in the ground so as to not interfere with or become hazardous to normal farming operations.
5. Excavation for tunneling of any pipelines under roads, farm drains, group drains and local drains shall be done by the company owning or leasing said pipelines and the cost of said excavation and damages to be born by the said company.
6. All wind generators shall be set back a minimum of one thousand four hundred (1,400) feet or as set by Public Service Commission from residences other than that of the owner/operator.\*
7. All utilities shall notify the Griggs County Commission within thirty (30) days of abandoning a tower site or utilities. All utilities shall be removed within one (1) year after abandonment.
8. All utilities, excluding wind generators, shall be set back the height of the tower plus twenty-five percent (25%).

\* altered by resolution dated 8/6/09.

## **7. ADMINISTRATION AND ENFORCEMENT**

### **7.1 Organization**

To administer this ordinance, the following bodies are hereby vested with authority to act in behalf of the county.

- (1) The Zoning Administrator
- (2) The Planning Commission
- (3) The Zoning Board of Adjustment
- (4) The County Commission

### **7.2 Zoning Administrator**

The Zoning Administrator is a duly appointed county official authorized by the Griggs County Commission and is responsible to administer this ordinance, to assist the Planning Commission, and the Griggs County Commission on any matter related to planning for and development of the county and its unincorporated planning area.

#### **7.2.1 Duties**

- (1) Issue all zoning permits, certificates and maintain record thereof.
- (2) Issue all building, moving and repair permits.
- (3) Maintain zoning related records and zoning district map including records of all amendments, conditional uses and variances.
- (4) Receive, file and forward to the Planning Commission all applications for zoning amendments, site approvals and conditional uses.
- (5) Prepare and publish notices and notify adjoining property owners.
- (6) Notify, in writing, the property owner or users upon finding violation of this ordinance and cite the nature of violation clearly, require compliance and provide a report of the finding to the Griggs County Commission.
- (7) Receive, file and forward to the Planning Commission all applications for preliminary and final plats and the supporting documents.
- (8) Receive, file and forward all requests for variances to the Griggs County Commission, which may act as a Board of Adjustment.
- (9) Report all zoning and land subdivision violations to the Griggs County Commission.

### **7.2.2 Interpretation of Regulations**

All questions of interpretation of this ordinance shall be presented to the Griggs County Commission.

### **7.2.3 Building Permit Applications**

Any person or persons intending to construct or reconstruct or relocate a building or make alteration, shall, before proceeding with the work, or commencing any excavation in connection with it, obtain a permit from the Zoning Administrator. These provisions shall also apply to the mobile homes.

- (1) Each application for a building permit shall be accompanied by a legal description and a map showing the actual dimension of the lot to be built upon, the size, shape and location of the building for observing the yard requirements of this ordinance.
- (2) The application shall specify the type of the building, structure, material of which it is composed, the part or portion of the lot to be occupied by the principal building and accessory buildings and the building cost.
- (3) Property corners and/or property lines shall be adequately located and defined prior to any new construction.

### **7.2.4 Building Permits**

The Zoning Administrator shall issue a building permit if the proposed building or structure conforms to zoning and building provision of this ordinance. If the Zoning Administrator denies a permit because of nonconformance with this ordinance, he/she shall inform the applicant of his/her right to appeal to the Griggs County Commission.

Replacement of roofs, siding, windows, and decks do not require a building permit.

### **7.2.5 Fees**

The Zoning Administrator shall charge and collect a fee as follows:

The Zoning Administrator shall charge and collect a fee according to the resolution of fees and schedules established by the county. The applicant for a conditional use permit and amendment to the zoning ordinance, or building permit, shall be liable for and pay to the Zoning Administrator sufficient sums of money to pay for and cover all of the costs incurred by the county for the processing of such application, including, but not limited to: publication costs; attorney's fees; mileage; copy expense, etc. No permit shall be issued until all such costs as these described herein have been paid by the applicant, unless the Zoning Administrator has otherwise provided by resolution for a particular case.

### **7.2.6 Conditional Use and Site Approval Permits**

The Zoning Administrator shall issue a conditional use or site approval permit upon approval of the application by the Griggs County Commission subject to the provisions of Section 9.

### **7.2.7 Variances**

The Zoning Administrator shall issue a permit if the Griggs County Commission approves the variance. The terms of the variance or special use shall be stipulated in the permit, subject to the provisions of Section 9.

### **7.2.8 The Final Plat**

The Griggs County Commission Chairperson shall sign the final plat, if the Planning Commission has approved the final plat subject to the provisions of the County Subdivision Regulations.

## **7.3 Planning Commission**

The Planning Commission shall consist of nine (9) members: two (2) members of which must be City Commissioners of Cooperstown and two (2) County Commissioners. The remaining members shall be appointed from the county, with at least one (1) member from each district.

### **7.3.1 Duties**

- (1) To hear all applications for amendments to zoning districts and make recommendations for approval, denial or approval with modifications to the Griggs County Commission.
- (2) To hear and act on all applications for conditional uses and site approvals in the manner prescribed in this ordinance and make recommendations to the Griggs County Commission.
- (3) The action of the Planning Commission is advisory to the Griggs County Commission and all final decisions rest with the Griggs County Commission.
- (4) The Planning Commission may serve as the building official and serves at the discretion of the Griggs County Commission.

### **7.3.2 Notice of Hearings**

The Planning Commission shall fix a reasonable date for hearing of applications for zoning district amendments, conditional use permits, site approval and plat applications and other matters before it, give public notice thereof in the official newspaper of the county and the

nearest regularly published newspaper at least once a week for two (2) consecutive weeks prior to the hearing. The notices shall give time and place of hearing and shall state the purpose of the hearing and that the applications and supporting documents for zoning district amendments and conditional use permits shall be available for public inspection by the Griggs County Auditor.

### **7.3.3 Meetings**

Meeting of the Planning Commission shall be held at a regular time and date at the call of the Chairperson and at such other times as the Planning Commission may determine upon prior public notice. All meetings shall be open to the public and any person may testify for or against a petition.

## **7.4 County Commission**

The Griggs County Commission maintains the authority for review, approval, modification and denial of recommendations of the Zoning Administrator and the Planning Commission.

### **7.4.1 Duties**

- (1) The Griggs County Commission is responsible for approval, modification or denial of amendments to the text of this ordinance.
- (2) The Griggs County Commission is responsible for approval, modification or denial of amendments to change the zoning district(s) boundaries.
- (3) The Griggs County Commission is responsible for granting conditional use permits.
- (4) The Griggs County Commission shall, in absence of a Board of Adjustment, act as the Zoning Board of Adjustment which is responsible for approving variances.

### **7.4.2 Notice of Hearing**

The Griggs County Commission may hold hearing(s) as required by the county general regulations, this ordinance and laws of the State of North Dakota.

## **8. PROCEDURES FOR AMENDMENTS, CONDITIONAL USES, VARIANCES AND PLATS OF SUBDIVISION**

### **8.1 Zoning District Amendments**

#### **8.1.1 Public Hearing Notice**

The Planning Commission shall hold a public hearing, a notice of which shall be published at least once a week for two (2) weeks prior to the hearing in the official newspaper of the county. The notice of hearing shall include: (1) the time and place of hearing; (2) description of the property by street address for platted lands and clearly identifiable location for the unplatted lands; (3) the proposed use, requested zoning district change; (4) time and place for public inspection of the documents submitted by the applicant before the hearing; and (5) notification to all property owners within six hundred (600) feet of the property in question and adjacent property owners, but not limited to six hundred (600) feet.

#### **8.1.2 Public Hearings**

- (1) The Planning Commission at the hearing shall listen to all persons who may speak in support of or in opposition to the proposal. Upon the completion of its review, the Planning Commission shall make recommendation to the Griggs County Commission. The Planning Commission may require additional information before it completes its findings and making its recommendations.

#### **8.1.3 Data Submission Requirements**

Petitions for zoning district change, conditional uses and site approval shall be submitted to the Zoning Administrator with the following information:

- (1) Legal description of the area proposed to be rezoned.
- (2) A site plan showing buildings and uses in the zoning district proposed to be changed and the requested zoning district classification.
- (3) A fee shall be paid in accordance with the schedule established by the Griggs County Commission.

#### **8.1.4 Deliberation and Decision**

Following the hearing, the Planning Commission, upon due deliberation, shall make a report of its findings and recommendations to the Griggs County Commission. The Griggs County Commission will follow the procedures outlined in the State of North Dakota Century Code Chapter 11-33-09.

## **8.2 Conditional Use Permits**

### **8.2.1 Purpose**

The development of this ordinance is based upon division of the county into districts, within which district the use of land and building bulk and locations of building and structures are mutually compatible and substantially harmonious. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as permitted uses in any particular district, without consideration, in each case, of impact of those uses upon neighboring premises. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses.

### **8.2.2 Public Hearing Notice**

Shall be the same as the provisions set forth for public hearing notice for zoning district amendment in Section 8.1.1.

### **8.2.3 Public Hearings**

Shall be the same as the provision set forth for public hearing for zoning district amendment in Section 8.1.2.

### **8.2.4 Data Submission Requirements**

Shall be the same as the provisions set forth for data submission requirements for zoning district amendment in Section 8.1.3.

### **8.2.5 Deliberation and Decision**

Shall be the same as the provisions set forth for deliberation and decision for zoning district amendment in Section 8.1.4.

### **8.2.6 Standards**

No application for conditional use shall be approved unless the Planning Commission finds that all of the following conditions are present:

- (1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (2) That the uses, values and enjoyment of other property in the area for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.

- (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding properties for uses permitted in the district.
- (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic impact on the area.
- (6) That the conditional use shall substantially conform to all applicable regulations of the district in which it is located.

#### **8.2.7 Conditions and Guarantees**

- (1) Prior to the decision on any conditional use, the Planning Commission may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the county and to secure compliance with the standards and requirements specified in Section 8.2.6.
- (2) No alteration of a conditional use shall be permitted unless approved by the Griggs County Commission.

### **8.3 Variances**

Variance from the dimensional standards of this ordinance may be granted provided that the applicant established proof of practical difficulty or undue hardship.

#### **8.3.1 Public Hearing Notice**

The Zoning Board of Adjustment shall hold a public hearing, a notice of which shall be published at least one (1) week prior to the hearing in the official newspaper of the county. The notice of hearing shall include: (1) the time and place of hearing; (2) description of the property by street address for platted lands and clearly identifiable location for the unplatted lands; (3) the proposed use and requested zoning district change; (4) time and place for public inspection of the documents before the hearing.

#### **8.3.2 Public Hearings**

The Zoning Board of Adjustment at the Hearing shall listen to all persons who may speak in support of or in opposition to the proposal. Upon the completion of its review, it shall approve, deny or modify the proposal. The Zoning Board of Adjustment may require additional information before it completes its findings and decision.



### **8.3.3 Data Submission Requirements**

Petitions for variances shall be submitted with the following information.

- (1) Legal description of the property.
- (2) A map showing the existing land uses and zoning district classification of the area.
- (3) The reason for the variance request.
- (4) The type of variance requested and an explanation of whether the hardship is unique to the applicant's property.
- (5) Notification of all property owners within one hundred fifty (150) feet excluding the public right-of-way from the property in question.
- (6) Any other information that the Zoning Board of Adjustment deems necessary.
- (7) A fee of one hundred dollars (\$100.00) plus additional costs to be paid in accordance with the schedule established by the Griggs County Commission.

### **8.3.4 Deliberation and Decision**

In making its finding, the Zoning Board of Adjustment shall ascertain that the requests for variance is consistent with the County Comprehensive Plan and meets all requirements of this ordinance and other regulations of the County of Griggs.

### **8.3.5 Standards**

No application for variance shall be approved unless the Griggs County Commission finds that all of the following are present.

- (1) That special conditions and circumstances exist which are peculiar to the premises and which are not applicable to other premises in the same zoning district.
- (2) That literal interpretation of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.
- (3) That the special conditions and circumstances have not resulted from actions of the applicant.
- (4) That granting the variance requested will not confer upon the applicant any special privileges that are denied by this ordinance to other premises.

### **8.3.6 Justification**

- (1) That the reasons set forth in the application justify the granting of the variance.
- (2) The variance is the minimum, which would make possible a reasonable use of the premises.
- (3) That the granting of variance will be in harmony with the general purpose of this ordinance and will not be injurious to the surrounding premises, neighborhood or the county and will not be contrary to the comprehensive plan and the purposes of this ordinance.
- (4) That there is practical difficulty or unnecessary hardship in use of the premises if the strict application of the regulations were to be carried out.

## **8.4 Plat Approval**

The procedure for approval of the preliminary and final plats shall be the same as the zoning amendment procedure under Section 8.1.

## **9. VIOLATIONS AND ENFORCEMENT**

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or if any building, structure, or land is used in violation of these Ordinances, the Planning and Zoning Board may assess, upon a majority vote, a fine of up to two hundred dollars (\$200.00) per day for each citizen or property owner, in addition to, or in place of, the levy of the fine, institute any appropriate action or proceeding as outlined in the North Dakota Century Code and acts amendatory thereto.

## **10. ENACTMENT**

In order that the land within the County of Griggs and its unincorporated planning and zoning area be properly guided in accordance with the requirements set forth herein, this Zoning Ordinance is hereby adopted.

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Chairperson

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Date of Adoption

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Auditor

## PERMIT FEE SCHEDULE

Application for building permit:

### FEE

Under \$2,000	No charge, permit required
\$2,001 to \$25,000	\$50.00
\$25,000 – over	\$2.00 for each additional \$1,000.00 of value of work to be done, plus building inspection fee
Application for Conditional Use Permit	\$100.00 plus publication costs
Application for Zoning Amendment	\$100.00 plus publication costs
Application for Variance	\$100.00 plus publication costs
Subdivision Review	\$100.00 for 10 or less lots plus expenses and publication fees \$250 for 11 or more lots plus expenses and publication fees
Commercial Animal Feeding Operations	\$1,000.00 permit fee
Inspection and Maintenance	Actual Costs
Setback changes for trees, shelterbelts, fences	\$50.00 plus publication costs
Waste Tire Collection and Process	Annual Minimum \$100.00
Solid Waste Hauler's License	Annual Minimum \$100.00
Ground Miners License	Annual Minimum \$100.00
Solid Waste Permit	Minimum \$10,000.00

***And in addition: The applicant for a conditional use permit, amendment to the zoning ordinance, subdivision review or building permit, shall be liable for and pay to the Zoning Administrator sufficient sums of money to pay for and cover all of the costs incurred by the county for the processing of such application, including, but not limited to: publication costs; mileage; copy expense; attorney's fees; etc. No permit shall be issued until all such costs as these described herein have been paid by the applicant, unless the Zoning Administrator has otherwise provided by resolution for a particular case.***